

December Monthly Call Minutes

Attendees: Shahil, Adithya, Barbara, Emily, Carol, Brock, & Melissa

Federal Update:

Appropriations:

- Outstanding aprops bill that has to be passed by tomorrow (December 21)
 - President Trump has officially said he won't sign a funding bill approved by the Senate.
 - If not passed and signed into law we could see partial shut in some government agencies and activities
 - Including the FDA – oversight of cancer drugs and tobacco regulation
 - Will be watching to ensure that language is not included in any appropriations bill that would undermine the FDA's full regulatory authority over all tobacco products particularly around cigars and e-cigarettes (vaping products).

Access to Care:

Court Case Background and ACS CAN Involvement

- In February, 2018, 20 states led by the Texas Attorney General (AG) filed a lawsuit challenging the health care law known as the Affordable Care Act (ACA) in federal court in Texas.
- The plaintiffs in *Texas vs. United States* argue that because Congress repealed the individual mandate's tax penalty as part of tax reform legislation in 2018, the entire law is invalid and must now be struck down.
- 13 states led by the AG of California intervened in the case in order to defend the law.
- The Department of Justice, representing the U.S. government as defendant, refused to defend the individual mandate and patient protections in court.
- ACS CAN, ACS and fellow patient groups representing millions of Americans with pre-existing conditions filed an [amicus curiae](#) or friend of the court brief in June 2018 in the U.S. District Court case, *Texas v. United States*, citing the devastating impact patients would face should the court side with plaintiffs and move to invalidate the Affordable Care Act (ACA).

Immediate Reaction

- First and foremost, it's important people know that the coverage they signed up for in 2019 will remain unchanged.
 - While the federal open enrollment period for marketplace plans ends on December 15th, many states [CA (Jan. 15, 2019), CO (Jan 15, 2019), MA (Jan 23, 2019), MN (Jan 13, 2019), NY (Jan 31, 2019), RI (Dec 31, 2018), and DC (Jan 31, 2019)] have extended the deadline to sign up for coverage.
- Intervenor states have announced they will appeal, and until the appeals court rules, the current state remains.

Court Ruling and What it Means

- The court sided with the plaintiffs and held that since Congress eliminated the individual mandate penalty, the entire ACA was no longer valid.
- What are the implications if this ruling were to stand?
 - The ruling could eliminate critical protections for people with pre-existing conditions and minimum insurance standards known as essential health benefits.
 - This decision threatens to resurrect barriers to health care for people with serious illnesses, including cancer. If the ruling stands, anyone with a pre-existing condition could be charged more for health coverage or denied access to coverage altogether.
 - Health plans would no longer be required to offer essential benefits necessary to prevent and treat a serious condition and could once again impose arbitrary annual and lifetime limits on coverage.
 - Invalidating the law also would jeopardize the federal tax credits that make health insurance affordable for more than [8 million](#) Americans, threatening their access to critical health coverage.
 - Negating the law's patient protections could put the health and well-being of millions of Americans at risk, just as we are beginning to see the benefits of expanded access to quality coverage.
 - The health care law was intended to increase the number of Americans with quality health care coverage. Since the law went into effect, uninsured rates have decreased by more than six percent nationwide. This has improved patients' ability to prevent, detect and treat their disease.
- The court should have respected the will of Congress, instead of ruling to invalidate the law at the expense of the 27 million Americans who will lose their health care by 2020, according to Congressional Budget Office estimates.

Next Steps

- In the event of an appeal, we are hopeful the United States Court of Appeals for the Fifth Circuit will support individuals with chronic diseases and preserve health care for millions of Americans.
- We will provide updates as additional information is available.
- Research shows individuals without access to health coverage are more likely than those with it to be diagnosed with cancer at a later stage, when the disease is costlier to treat and survival is less likely.
- Furthermore, voters want coverage for people with pre-existing conditions. A recent ACS CAN survey found nearly seven in ten voters (68 percent) across party affiliations say people with pre-existing health conditions should have access to health coverage without paying more because of their health status.

Palliative Care and Hospice Education and Training Act:

- Passed the house in July of 2018
- We know now that this will not move. We will re-file early in the new year.

Removing Barriers to Colorectal Cancer Screening:

- Significant progress was made nationwide on sponsorship
 - 60 bi-partisan senators
 - 304 bi-partisan co-sponsors
- ACS CAN and Partners met with Sec Azar
 - Believes that this might be able to be fixed administratively instead of going through congress.
 - 52 Senators signed on to co-sponsor letter, including Senators Markey and Warren

State Update:

State Legislative Process:

As we enter a new Legislative Session, I thought it would be a good time to review the legislative process in Massachusetts, how a bill moves, and why we ask you to take action on the same issue multiple times. There are many steps and many variables, so please keep that in mind as we move forward. This is a very simplified version of how a bill becomes law.

Unlike many of the states around us, Massachusetts has a full time, year-round legislative body, meaning that being a State Senator or Representative is considered a full-time job. There are 200 lawmakers that make up the legislature – 40 Senators and 160 Representatives.

Massachusetts runs a 2-year legislative session, starting on the 1st Wednesdays of the Month in the odd year. Therefore, we are just entering a new session that will run from January 2, 2019 through December 31, 2020.

The House and the Senate hold their swearing in ceremonies the first week of session, and each body agrees to temporarily adopt the rules of operation from the last session. The rules are there to help guide them in their work, procedure and process. Both the House and the Senate have their own set of rules and will debate and discuss them in late January. Usually they have their rules in place for how they will operate for the session by early February.

In early February, we usually start to see committee assignments. The committees are made up of a small group of lawmakers who usually have a history or interest in them. There are joint House and Senate Committees, where members of both the House and Senate sit; there are also just House committees and just Senate committees. If you are interested in seeing the different types of committees, you can visit www.malegislature.gov and click on Committees.

The leader of the House is called the Speaker. For this year's session, Speaker Robert DeLeo of Winthrop was elected by the House to once again be the leader of the House.

The leader of the Senate is called the President. For this year's session, Senate President Karen Spilka of Ashland was elected by the Senate to once again be the leader of the Senate.

In early February, both the Speaker and the Senate President will begin assigning members of their respective chambers to leadership positions as well as to lead and work on committees. There were a few key members of leadership in both the House and Senate that lost their primaries in September,

so there will be quite a bit of change in the House and Senate Leadership this year, as well as key committee leads.

How a Bill Moves:

For this example, we're going to use our upcoming priority healthcare bill – Prescription Transparency – as the example. Most of the ACS CAN priority bills follow this path as they are healthcare related.

Marc, our Government Relations Director, identifies lawmakers that would make good sponsors of a bill, and meets with them prior to the start of the new session to see if they are interested in sponsoring the bill. Often times we find a House and a Senate sponsor and have the same bill filed in both bodies. This gives it a better chance of moving through the entire process.

Once a sponsor is identified, Marc works with them to create the language for how the bill would be worded. The legislative sponsor files the bill by the 3rd Friday in January. The majority of the bills for the 2 year session must be filed by this deadline, with an exception for bills addressing emergency situations that arise, such as the gas explosions in the Andover area. When the bill is filed, it is given a docket number. If a member of the House is the co-sponsor than it's filed in the House. If a member of the Senate is the co-sponsor than it's filed in the Senate.

All the bills are reviewed and sometime between March and May they are assigned to the committee of jurisdiction, meaning the committee that should be in charge of deciding the next steps for the bill. In the case of our Rx Transparency bill, the committee of jurisdiction will most likely be the Joint Committee on Public Health.

A public hearing is scheduled for each bill, with the opportunity for supporters or opponents to testify regarding their position. The committee then marks up (edits) the bill and decides the next steps. It can be released from committee as a Senate bill, a House bill, or Sent to Study – which mean the bill is dead.

Once the bill is released, lets say as a Senate bill, it can either go to a Senate only committee or to Senate to take up on their schedule and vote on. If the Senate votes on the bill and passes it, it goes to the House for them to vote on. If the House makes changes to it, and then passes it, the a few members from both the House and Senate are assigned to a conference committee to work out and negotiate the differences in the bills. Once these differences are resolved, the Senate would vote to adopt the bill with the changes, then the House would do the same. The bill would then be enacted (basically a confirmation vote that they do want to pass this bill) in the Senate and then the House. Once a bill is enacted, it goes to the Governor for his signature.

The governor has 10 days to sign a bill, veto a bill (say he doesn't want to sign it and send it back to the Legislature), or let it pass into law without his signature. This last option is used mostly when a bill passes with a large majority, but the Governor doesn't agree with it. He doesn't want his signature on it, but knows that the legislature could override his veto with 2/3 majority vote.

During any of these steps, the bill could be sent to study, not pass a vote, or just sit and die because there is no time to vote on it at the end of session. This is why we ask you to take multiple actions and

contact your lawmaker's multiple times about the same bill. It can take up to 10 actions for a bill to be passed into law. This is also why we celebrate every positive step a bill takes! It's a lot of hard work, and we couldn't do it without our amazing volunteers taking action every time we ask.

State Budget Process:

The budget is the one bill that must pass every year, not every session. It's process is similar, but moves faster along a different timeline than other bills.

The Governor kicks off state budget season by releasing a detailed Fiscal Year (FY) 2020 budget proposal in late January. The Governor's proposal begins an important process of determining what we as a Commonwealth hope to do together through our government and detailing how we will pay for those things. Key subsequent steps in the process:

- In April, the House will debate and approve its FY 2020 budget proposal.
- In May, the Senate does the same.
- In June, a joint House/Senate conference committee reconciles differences between these two budgets.
- The final budget plan, which requires the Governor's signature, will ideally be completed by July 1st, the beginning of FY 2020.
- The Governor can veto specific lines of the budget, and then the legislature will have to vote to override those vetoes.

Massachusetts 2019 Lobby Day

- 2019 Date – Thursday, March 28, 2019 at the State House – invitation coming the week of January 7th.

Tobacco

- Reminder that the Youth Tobacco Bill goes into effect on December 31st

Next call:

Our next call will be January 24 at 6:30pm. The call-in number is +1 (917) 727-7985 and the passcode is 1916494#.